

January 5, 2015

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Attorneys at Law

Lincoln · Seward

VIA ELECTRONIC (fhampton@fec.gov) AND REGULAR U.S. MAIL

Frankie D. Hampton
Paralegal
Complaints Examination and Legal Administration
Federal Election Commission
Washington, DC 20463

RE: MUR 6888
Mark A. Fahleson, Treasurer and
Ben Sasse for U.S. Senate, Inc.

RECEIVED
FEDERAL ELECTION
COMMISSION
2015 JAN 14 PM 11:13
OFFICE OF
COUNSEL

Dear Ms. Hampton:

This shall serve as the 15-day response of Ben Sasse for U.S. Senate, Inc. ("Committee") and treasurer Mark Fahleson to the above-referenced complaint (MUR 6888) ("Complaint") filed with the Federal Election Commission ("Commission"). As discussed herein, the Complaint is politically-motivated and entirely without merit. Consequently, the Commission should take no action on the Complaint. The Complaint, this response, and any action taken thereon are confidential pursuant to 2 U.S.C. §437g(a)(4)(B), (12)(A).

Relevant Facts

During the 2014 election cycle the Committee contracted with i360, LLC ("i360") as a limited subscriber. As a limited subscriber, the Committee passively received data and never sent information back to i360 that could conceivably be used by a common vendor in a coordinated communication.

The Complaint is Without Merit.

The Commission should promptly dismiss the Complaint because it's politically motivated and fails to allege facts or set forth a legal theory that amounts to a violation of applicable law. See, e.g., MUR 5878 (<http://eqs.fec.gov/eqsdocsMUR/13044342628.pdf>).

As noted above, the Committee entered a contractual relationship with i360 as a vendor, for which the Committee paid fair market value for the services rendered, and the Committee properly disclosed the payments for such services. Under the contractual relationship, the Committee was a mere subscriber and passively received data from i360. The Committee did not send data to i360 that could conceivably be used by a common vendor in a coordinated communication.

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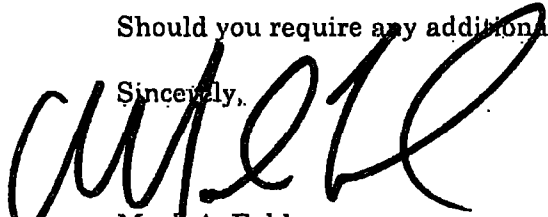
The Complaint relies entirely on the "common vendor" prong of coordination regulation (11 C.F.R. 109.21(d)(4)), but i360 isn't a "common vendor" for purposes of the regulation because it did not "create, produce, or distribute" communications for the Committee. The Complaint is devoid of any facts to support a claim that the Committee shared data with i360. Consequently, the Complainant is entirely without merit and must be summarily dismissed.

Conclusion

The Commission should take no action on the Complaint, which is politically-motivated and unsupported by the facts and applicable law. Any further investigation or remedial action would unnecessarily consume the scare resources of the Commission without furthering the goals of FECA or the Commission.

Should you require any additional information, please do not hesitate to contact me.

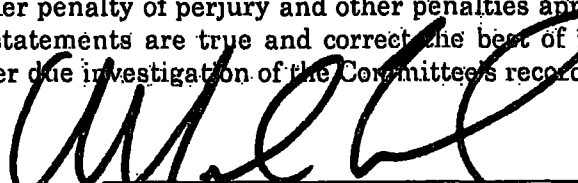
Sincerely,


Mark A. Fahleson
mfahleson@remboltlawfirm.com

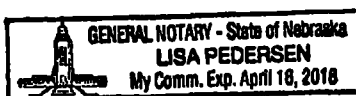
VERIFICATION

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

I, Mark A. Fahleson, am Treasurer for Ben Sasse for U.S. Senate, Inc. ("Committee"). Under penalty of perjury and other penalties applicable under law, I swear that the foregoing statements are true and correct to the best of my knowledge, belief, and recollection, and after due investigation of the Committee's records.


Mark A. Fahleson

SUBSCRIBED AND SWORN to before me this 3rd day of January, 2015.




Notary Public